

Appl. No.09/930,563 Amdt. dated April 21, 2004 Reply to Office action of October 21, 2003

REMARKS/ARGUMENTS

Claims 1 - 42 remain in this application.

Claims 1-17 and 26-29 have been withdrawn as the result of an earlier restriction requirement.

In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 1-17 and 26-29 in a divisional application.

In response to the Office Action of October 21, 2003, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Rejections under 35 USC 112

Claims 18-25 and 30-42 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18 and 22 are deemed to be vague by the Examiner. The Examiner indicates that the function of the ligand and the peptide is not clear in relation to each other and to the toxic substance that is to be detected. The Examiner questions as to whether either or both of the ligand and peptide react with the toxic

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substance? The claim is also deemed to be unclear as to whether a separation or wash step is required to remove unbound dye.

Claims 21, 25, 33, and 37 are furthermore deemed to be vague and indefinite because it is not clear to the Examiner as to what entails the "treatment step" that enhances the film's ability to immobilize a ligand.

Claims 30 and 34 are deemed to be vague in that the last paragraph of each claim is not clear as to whether the peptide and ligand are pre-bound prior to contact with a sample or competition occurs between the toxic substance and the peptide for binding to the ligand after contact with the sample. The claims are also alleged to be unclear as to whether a separation or wash step is required to remove unbound dye. The claims are further characterized as confusing as to how the reagents are related to the icon on the film. The Examiner posits that if none of the reagents, especially the ligand, are attached to the icon, whether the dye is displaced or not would be immaterial since the dye would not be present to affect the coloration of the icon.

The claims have now been amended in order to obviate all outstanding grounds of objection/rejection.

The ability of the active ligand to recognize an epitope of a particular toxic substance has been added, along with language

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to underscore the ligand's concomitant affinity for a peptide. The claims have further been amended to include the competing step wherein the peptide is displaced by the particular toxic substance, resulting in a color change.

Lastly, the corona discharge treatment of the film has been positively recited.

Basis for these amendments may be founded in the original disclosure at page 15, line 7, page 31, l. 16-17, p. 32, lines 12-15 and page 7, line 8.

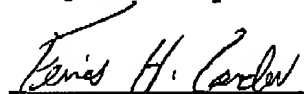
The claims have thus been amended in order to obviate the vagaries pointed to by the Examiner. Accordingly, it is respectfully submitted that the claims are now allowable, and a Notice of Allowance to that effect is earnestly solicited.

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SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested. The Examiner is urged to telephone Applicant's representative should any additional informalities or issues exist, in order to expedite prosecution of this application.

Respectfully submitted,



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